

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THADDEUS WILLIAMS,

Petitioner,
v.
Case Number 13-14636
Honorable David M. Lawson

CINDI S. CURTIN,

Respondent.

ORDER GRANTING IN PART MOTION TO AMEND PETITION

This matter is before the Court on the petitioner's motion to amend his petition for habeas corpus. On November 7, 2013, the petitioner's attorney filed the original petition for a writ of habeas corpus [dkt. #1]. On November 18, 2013, the petitioner, evidently on his own initiative, filed a second petition [dkt. #5], along with a motion for leave to amend. In his motion to amend, the petitioner asks that the Court review his second petition, sort out any "issues not raised in the original pleadings," and "add [those new issues] to the petition filed by [petitioner's counsel]."

The Court declines to undertake the task of reviewing and reframing the petitioner's pleadings. However, because the petitioner filed his second petition within the time allowed for amendment as a matter of course, and because no response has been filed to the original petition, the Court will grant in part the motion to amend and deem the second petition to be the operative pleading in this matter. *See Fed. R. Civ. P. 15(a).* An amended pleading supersedes the original and renders any earlier filed pleading a nullity. *Drake v. City of Detroit*, 266 F. App'x 444, 448 (6th Cir. 2008). The original petition became a nullity upon the filing of the second petition, and for the purpose of the record in this matter, the second petition therefore is the only operative pleading.

Accordingly, it is **ORDERED** that the petitioner's motion to amend [dkt. #4] is **GRANTED IN PART**. For the purpose of the record in this matter, the petition filed on November 18, 2013 [dkt. #5] is deemed **FILED** and shall be the sole operative pleading. The petitioner's motion is **DENIED** in all other respects.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 22, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 22, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON